IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.MC.No. 4027 of 2006()

CC.195/2005 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI

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PETITIONER:

V.P.SAYED ALAVI ALIAS SAYED HAJI,
S/O.HYDRUMAN KUTTY MULLA, AGED 39 YEARS,
VELLARAMPARA HOUSE, MANHAPPATTA, ELANKUR VIA,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: DEFACTO COMPLAINANT AND STATE

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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
HIGH COURT BUILDINGS, HIGH COURT ROAD,
ERNAKULAM, COCHIN-682 031.

2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.

3. ABDUL LATHEEF, S/O.POCKER MASTER,
AGED 38 YEARS, KUNDUKANDAN HOUSE,
MULLAMPARA, NECHIKUNDU, MANJERI.

BY P.P. SRI.K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 4027 OF 2006

Dated this the 13th day of December, 2006

ORDER

The grievance of the petitioner is that the prosecution launched against him by the 3rd respondent herein on the basis of a private complaint alleging the offences punishable under Sec.420 of the IPC is kept pending unnecessarily consequent to the non-appearance of the witnesses for the complainant. The short prayer of the learned counsel for the petitioner is that the learned Magistrate may be directed to insist on production of witnesses by the complainant and the early termination of the proceedings may be brought about.

2. A copy of the order sheet is placed before me as Annexutre-A1. I do note that on a number of occasions the case is being adjourned for appearance of C.Ws.1 to 3.

3. I have no hesitation to agree with the learned counsel for the petitioner that the prosecution against the petitioner deserves to be completed as expeditiously as possible. The learned Magistrate must make every endeavour to ensure that the witnesses cited by the complainant are made available by

the complainant to proceed with the trial and if he is unable to do the same, necessarily the consequences will have to follow.

4. In the result, this Crl.M.C. is allowed. The learned Magistrate shall ensure that C.C.No.195/05 is disposed of as expeditiously as possible – at any rate, within a period of three months from the date on which a copy of this order is placed before the learned Magistrate by the learned counsel for the petitioner.

5. Hand over a copy of this order to the learned counsel for the petitioner for production before the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge